

LEE LITIGATION GROUP, PLLC

148 WEST 24TH STREET, 8TH FLOOR
NEW YORK, NY 10011
TEL: 212-465-1180
FAX: 212-465-1181
INFO@LEELITIGATION.COM

WRITER'S DIRECT: 212-465-1188
cklee@leelitigation.com

June 4, 2021

Via ECF

The Honorable Joan M. Azrack
United States District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, New York 11722

Re: *McFadden v. Smithtown Nissan Inc. et al*
Case No. 20-cv-04661

Dear Judge Azrack:

We are counsel to Plaintiff in the above referenced matter. We write today to respectfully inform the Court that the EDNY Panel Mediation was unsuccessful and request that the Court schedule an Initial Pre-trial Conference.

The parties participated in an EDNY Panel Mediation via Zoom with Mr. Raymond Nardo, Esq., on February 3, 2021. At the close of the mediation, the parties had reached a tentative agreement to settle the case. However, Defendants' counsel informed Plaintiff's counsel that Defendants had to resolve issues with pending litigation involving the co-owners before they could finalize the settlement.

Plaintiff's counsel reached out to Defendants' counsel on March 29, 2021, for an update as to the status of the settlement agreements. On April 1, 2021 Defendants again informed Plaintiff's counsel of the pending litigation holding up the settlement. Plaintiff's counsel then reached out to Defendants on April 19, 2021, and May 14, 2021 to check on the status of the settlement. Both times, Defendants failed to respond to Plaintiff's inquiries.

As a result, Plaintiff's respectfully request that the Court now schedule an Initial Pre-Trial Conference so that the parties may move forward with litigation.

Respectfully submitted,

/s/ C.K. Lee
C.K. Lee, Esq.

Cc: all parties via ECF